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July 11, 2018

**FILED ON ECF**

Hon. Judge Paul G. Gardephe  
Thurgood Marshall United States Courthouse  
Room 705  
40 Foley Square  
New York, NY 10007

Re: The Basu Group v. Seventh Avenue, Inc. (16-CV-00461(PGG))

Dear Judge Gardephe:

We are one of the attorneys representing Defendant Seventh Avenue in the referenced case.

We are contacting the Court to advise that, for the reasons stated below, we have been unable to arrange for the deposition of Mr. Chokhany of Shankar Produce. We retained counsel in India to try to arrange the deposition of Mr. Chokhany pursuant to Indian law but have not been successful. Our counsel was recently advised by Mr. Chokhany that he is ill, cannot sit for deposition and will not travel to the US for trial commencing July 16.

Therefore, in our view, there is no reason for Plaintiff to supplement its opposition to motion *in limine* in connection with the testimony of Mr. Chokhany.

Defendant's motion *in limine*, in part, seeks to preclude reference to previous litigation with Plaintiff. In the event reference to previous litigation is permitted, Defendant supplements its Exhibit List to add as exhibits the settlement agreements for those cases. Of course, Plaintiff is a party to those agreements and has had them for years. Defendant designates those exhibits as Defendant's Exhibits DD and EE.

Respectfully submitted,

/Edward Kelly/  
Edward P. Kelly

Cc: Michael Gilman, Esq.  
Attorney for Plaintiff

